

FILED  
for Roanoke  
OCT 30 2009

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CONCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

RODNEY E. STEWART,  
Plaintiff,

v.

WALTER DOUGLAS TUCK, JR.,  
Defendant.

) Civil Action No. 7:08-cv-00621  
)  
)

) **ORDER**  
)

) By: Hon. Jackson L. Kiser  
) Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that defendant's motion to dismiss (docket #28) is **GRANTED**; plaintiff's traffic stop claim is **DISMISSED** and plaintiff's claims about an arrest without probable cause and his subsequent prosecution are **DISMISSED without prejudice**, pursuant to Heck v. Humphrey, 512 U.S. 477 (1994); and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to plaintiff and counsel of record for the defendant.

ENTER: This 30<sup>th</sup> day of October, 2009.

*[Signature: Jackson L. Kiser]*  
Senior United States District Judge